

Garczycki



United States  
General Accounting Office  
Washington, D.C. 20548

Office of the General Counsel

**Matter of:** Orbas & Associates

**File:** B-270304

**Date:** December 8, 1995

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**DECISION**

Orbas & Associates protests the rejection of its bid as nonresponsive under invitation for bids No. F04684-95-B-0028, issued by the Department of the Air Force.

The protest is dismissed because it merely anticipates improper action that has not yet taken place.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556. Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Management Servs., Inc.—Request for Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

Protests that merely anticipate improper agency action are speculative and premature. See General Elec. Canada, Inc., B-230584, June 1, 1988, 88-1 CPD ¶ 512. Here, the agency is currently reviewing the protester's bid and has not yet determined whether or not the bid is responsive. Consequently, there is no basis for us to consider the protester's claim at this time. If, in the future, the agency takes concrete action that may properly form the basis for a valid bid protest, the protester may file with our Office at that time.

Comptroller General  
of the United States